

Town of Nolensville  
Board of Mayor and Aldermen Meeting  
Date: September 6, 2007, Time 7:00 p.m.  
Nolensville Elementary School

Vice-Mayor Tommy Dugger opened the meeting at 7:02 p.m. Members present were Vice-Mayor Dugger, Aldermen Jimmy Alexander, Joe Curtsinger, and Ken Thomas. Mayor Beth Lothers was absent. Staff present: Counsel Robert Notestine, and Recorder Cindy Lancaster. There were 27 citizens present.

Prayer and pledge was led by Alderman Ken Thomas.

Citizens Input:

There were no citizen comments.

Vice-Mayor Dugger announced that Mayor Lothers had recently been released from the hospital. She is home and recuperating. He asks that everyone keep her and her family in their prayers.

Ms. Paulette Sullivan, Nolensville Road, addressed the Board with her concern in regards to the turning lane at Electronic Express. She noted that she would like to know how this will affect her property which is on the east side of Nolensville Road.

Vice-Mayor Dugger said he recalled the turning lane being a part of the approval process, although he could not remember exactly what was approved. Ms. Sullivan said that she felt this was a safety hazard because the turn lane comes to her drive. Vice-Mayor Dugger stated that the Town must abide by TDOT standards on Nolensville Road.

Alderman Alexander asked if Don Swartz had reviewed her concerns. Ms. Sullivan stated that she had spoke to Mr. Swartz on the phone. She said the he had mentioned six lanes. She said that he gave her a copy of the plan, but she could not understand it. Vice-Mayor Dugger stated he would follow-up with staff on this issue.

Mr. Frank Wilson, 7345 Nolensville Road, stated that he would like to comment on an issue within the Mayors Report. Vice-Mayor Dugger told him this would be the appropriate time to speak. Mr. Wilson stated that in regards to (e) Firearms in the Subdivision, the Attorney General issued a ruling in 1998 that the state law overrules any local law. He said that this would ban any laws adopted by the Town and before this goes any further the Board should check into this. Vice-Mayor Dugger said that it was his understanding that this was going to be discussed due to complaints about someone shooting and hitting a cat in Ballenger Farms. He said that the Mayor has had multiple complaints. Mr. Wilson said that he was told it could be placed in an ordinance, although it could not be enforced.

Reverend Alfred Bennett, 7286 Nolensville Road, stated that he periodically goes to Ebenezer Church. When walking to the church they have to go through trash that smells like feces. He noted that it appears to be from the septic tank from the Mexican restaurant. He stated that the

church members should not have to splash through this stuff. He further noted that something needs to be done to take care of this.

Ms. Betty Friedlander, 240 Norfolk Lane, stated that when she was Chair of Historic Commission this was a problem prior to the Restaurant. She noted that you could see toilet paper and it was a horrible smell. She was told that the County should be made aware of this issue.

Vice-Mayor Dugger said that the Building Official Michael Blanks had filed a complaint with the County on his behalf and they reviewed the area. The County stated that it was o.k. Vice-Mayor Dugger said that this can be reviewed again.

Alderman Alexander made a motion to approve the minutes of the regular meeting of August 2, 2007, Vice-Mayor Dugger seconded. The minutes were unanimously approved.

Vice-Mayor Dugger made a motion to approve the Beer Board minutes from August 2, 2007, Alderman Alexander seconded, and these minutes were approved unanimously.

Vice-Mayor Dugger made a motion to approve July Treasurer's Report, Alderman Thomas seconded. The Treasurer's Report passed unanimously.

#### COMMITTEE REPORTS:

Chair Rick Owens reported for the Planning Commission.

- Catalina Phase One final plat was approved
- Reserve at Bent Creek, Section II was approved
- Zoning ordinance amendment in regards to Architectural was approved
- A reduction for Nolen Park Phase II in the bond was approved, as well as the bond report

There was no report for the Historic Commission.

Fire Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- Some Firefighters are in Rookie and EMT School
- 22 Firefighters are in Extrication Class
- Nine are attending Responders Class
- October 7 – 13 is Fire Prevention Week
- Noted that next week is Anniversary of 9/11, 343 Firefighters lost their life in this tragedy

Due to the absence of Planner Henry Laird there was no report for the Planning Department.

Police Chief Paul Rigsby reported for the Police Department.

- Training is ongoing – Detective School was attended by Detective Ken Lee
- All officers have completed the annual fire arms training

- Officers are at Rocky Fork Road daily patrolling traffic for school

Mr. Bob Hayes reported for the Public Works Department.

- Noted that August has been the hottest month, they worked until noon each day mowing
- The big tractor a/c has broken due to the heat
- He stated that his largest complaint is trash, please be conscious of debris thrown out of vehicles.
- Noted there was an \$800 repair on the Public Works truck

Suzie Lindsey reported for the Town Events Committee

- Will have a Veterans Parade on Saturday, November 10 at 11:00 a.m.
- 101<sup>st</sup> Airborne has been contacted to participate
- After parade a special lunch will be provided to the Veterans and one of their guest
- Tickets for the meal will be sold to the public
- Forms for Parade are on web-site and at Town Hall

Mr. Harold Shafer from the audience inquired to the donations that have been received from donors for the 4<sup>th</sup> of July event. He noted that he has not heard a report on this issue. Vice-Mayor Dugger said that \$4,500 had been collected which is more than half of the cost. He further said that he has had more positive comments on this event and again thanked this Committee for their hard work.

Mayor's Report:

a. Waller Road update

Vice-Mayor Dugger summarized this report noting that this work is for the most part completed. He noted that they will be returning next year to place another layer of pavement on the Road. Alderman Curtsinger stated that it was his understanding that the road was supposed to be torn up and the base would be redone, in addition to enlarging the road. He also inquired to the amount of money that was spent on this project. Alderman Curtsinger stated that it was his understanding that the road was to be enlarged. He further noted that he would like to see a break down of this project and he hasn't seen anything in regards to Waller Road. He stated that he would like to see this explained by either Don Swartz or Michael Blanks. Vice-Mayor Dugger said that he would have to pull his notes to review this Road.

b. Rocky Fork Road realignment update

Vice-Mayor Dugger noted that the Board was given a written update that is pretty lengthy. Alderman Curtsinger asked who was responsible for the steel and the oversight of the drainage ditch. He asked if it was Florence & Hutcheson, the Town, or who? He asked who did the design on the bridge. Alderman Curtsinger stated that if this goes back to Mr. Moon, shouldn't he be the one who pays for it. Counsel Notestine stated that there will be an additional cost, but also there is an additional savings. Alderman Curtsinger asked again who designed the bridge. He further stated why should the Town pay for their oversight. He further inquired about the ditch and asked who was responsible. He reiterated that we should

not pay for their oversight. Vice-Mayor Dugger stated that if there is an engineer oversight, they probably have an E and O that would cover this error. He stated that staff will review this and report back to the Board.

c. National Flood Insurance Update

Vice-Mayor Dugger did not report on this issue.

d. Economic Development Committee

Alderman Alexander stated that he attended a meeting with the Mayor in regards to this Committee. Mr. Innacone who recently retired from the Williamson County Economic Development gave some valuable information in regards to the initiation of this committee. He noted that the mayor is in the process of compiling names for this group and it will be valuable for the Town.

e. Firearms in Subdivision discussion

There was not a report on this issue.

f. Other

Vice-Mayor Dugger noted that the Broken Wheel Festival would be held this weekend with a breakfast beginning at 8:00 a.m.

Vice-Mayor Dugger asked approval from the Board to move item #13 on the agenda forward to discuss the interlocal agreement. He noted that Mr. Bobby Cook, Williamson County Attorney, was in attendance to answer any questions that the Board may have. The Board agreed to move this item forward. Counsel Notestine described Resolution 07-10, in addition to the interlocal agreement. He noted that Mr. Cook drafted this agreement and the Board could direct any questions to him. Mr. Bobby Cook, 2004 Roderick Lane, Franklin introduced himself and noted that this document will allow the Town control of this funding. He further noted that it is an avenue for the Town and the County to work together. Counsel Notestine inquired about how the County will determine the calculation. Mr. Cook stated that 30% of what is taken in by the County will be distributed to the participating municipalities. He stated that the percentage the Town receives is determined by the 2000 census. Counsel Notestine noted that this tax is applied to new development within Williamson County. Alderman Curtsinger inquired to the location of the new construction. Mr. Cook stated that it is all new construction within Williamson County. He stated that it does not matter where the construction is taking place, Nolensville will get a percentage based upon the 2000 census. Mr. Cook gave an example of total population in the County being 100,000 and Nolensville population being 25,000. Nolensville would receive 25% of the 30% collected by the County.

Mr. Larry Gardner from the audience asked if this tax was in addition to the tax currently collected. Mr. Cook stated yes.

Alderman Curtsinger made a motion to approve Resolution 07-10, a resolution to enter into an interlocal agreement with Williamson County in regards to adequate facilities tax. Alderman Alexander seconded and this passed unanimously.

Public hearing for ordinance #07-14, an ordinance to amend zoning ordinance 04-09, in regards to signs opened at 7:49 p.m.

Mr. Larry Gardner asked to describe the change. Vice-Mayor Dugger noted the height is being amended. He stated that electronic signs can only be changed once a day instead of flashing. He further noted that there is billboard language that is being cleaned up in order to become compliant. Vice-Mayor Dugger noted that there will not be signs on the roof, it addresses window signs, wall mounted signs, canopy signs, and signs on façade. He further noted that the Planning Commission had lengthy discussions on this ordinance.

Mr. Matt Happel, Planning Commission member noted that the Town Planner Henry Laird would be bringing an amendment next month to the Board.

There was no further public comment and the hearing ended at 7:50 p.m.

Second Reading of Ordinance 07-07, an ordinance to amend the zoning ordinance 04-09, in regards to Village area lot standards.

Vice-Mayor Dugger noted that this is second reading. Counsel Notestine stated that the Town Planner is more versed to address lot requirements. He noted that the maximum first floor area definition has been discussed extensively. He further stated that this is more of a clean up and addressing some issues that have not been previously addressed.

Vice-Mayor Dugger made a motion to approve this ordinance, Alderman Ken Thomas seconded.

Alderman Curtsinger stated that he was leery about this ordinance. He asked what was the maximum area. Counsel Notestine stated that he was not sure what it had been although he thought this was placing a maximum of 4,000. Alderman Curtsinger stated that in lieu of some other things that are happening, he feels that some things may be excluded. He said that with Planner Laird not being here to answer some questions he feels that the Board should hold on this or even send it back to the Planning Commission. Alderman Curtsinger stated that he did not want to have to small of a first floor.

Alderman Alexander stated that this requirement would not allow a Target to be in this area. Vice-Mayor Dugger said that he did not feel that it was necessary to send this back to the Planning Commission.

Chair of the Planning Commission Rick Owens, 313 Baronswood Drive, addressed the Board stating that the Planning Commission had discussed this extensively. He said that the Historic area is separate and the Planning Commission did not want something to be too large in that area. It was an esthetic issue and the Planning Commission is not looking for large development in the downtown area. That is why this was changed to 4,000. His opinion was that this should not go back to the Planning Commission because it has been discussed extensively.

Alderman Curtsinger made a motion to defer this ordinance until next month, Alderman Thomas seconded. Vice-Mayor Dugger withdrew his initial motion to approve and Alderman Thomas withdrew his second. The vote was then taken on the deferral and passed unanimously.

Second reading on ordinance #07-13 an ordinance to amend the Zoning Ordinance 04-09, in regards to permitted structures within setbacks. Vice-Mayor Dugger made a motion to defer this ordinance until next month so that Planner Laird could answer questions, Alderman Alexander seconded, and this was deferred unanimously.

First reading of ordinance 07-15, an ordinance to amend Section 8, of the Municipal Code in regards to the sell of beer. Vice-Mayor Dugger stated that this is basically a clean up ordinance in order to comply with the new state law. Counsel Notestine described this ordinance noting that when the Town issues a beer permit and a clerk sells to a minor, the Town can revoke their license, in addition to impose a fine. He stated that in July the state passed a law requiring clerks to have training. He further noted that if they do not comply a \$2,500 fine may be imposed due to it being a state law.

Alderman Thomas made a motion to approve this ordinance, Vice-Mayor Dugger seconded, and this was passed unanimously.

First reading of ordinance #07-16, an ordinance to amend the zoning ordinance 04-09, in regards to architectural standards in the Office Industrial (OI) zoning districts.

Vice Mayor Dugger stated that there was lengthy discussion on this issue at the Planning Commission. It did pass by majority with one no vote and one abstention. Vice-Mayor Dugger made a motion to pass this ordinance, Alderman Thomas seconded.

Mr. Larry Gardner, 2536 York Road, inquired to what this ordinance does to the OI. Vice-Mayor Dugger stated that it gives the authority to enforce architectural standards. Mr. Gardner then asked what property would be affected. Vice-Mayor Dugger stated that Mr. Wells's property is the only property affected. Mr. Gardner asked if these people must comply, or is it more of an advisory. Counsel Notestine stated that the Committee is advisory, but this has become part of the Zoning Ordinance. Mr. Matt Happel, Planning Commission member noted that the process is to meet the standards that are already within the ordinance. Alderman Curtsinger stated that it appears the Design Review Committee is not really needed. Mr. Gardner asked what is the Design Review Committee. Counsel Notestine stated that this is an advisory Board to the Planning Commission. He further stated that he did not feel this was being questioned correctly. Counsel Notestine noted that this Committee has come from state law. He explained this committee and its role.

Mr. Rick Owens stated that the reason this all arose is because the frontage on Nolensville Road. He said that consideration was given that in some Office Industrial areas the public uses this frequently. He said when people go into these establishments there will be some uniformity.

Mr. Matt Happel referred to the standards noting that the purpose is for an arterial or collector to have the same standards. He noted it is a first impression.

Alderman Curtsinger stated that the problem is requiring any Design Review on a collector. He said that he felt it would lead to arbitrary decision making. He noted that this has not been required before and it appears you are trying to backtrack.

Alderman Alexander stated that if the Design Review Committee selects a building that these requirements should apply, this committee would recommend only to the Planning Commission. Counsel Notestine agreed noting that it is applying some of the standards

Alderman Curtsinger asked if it wouldn't be better to scrap this. Vice-Mayor Dugger said that the entire corridor zoning would have to be changed. Alderman Alexander noted that this is only the first reading and there is time to explore this further, although he noted he was fine with this ordinance.

Alderman Curtsinger stated that if there are too many restrictions, development will be stifled. He noted that the Town Planner was not here and asked if the CCO wouldn't take care of this issue. Vice-Mayor Dugger stated that it would have to be rezoned.

Mr. Willis Wells stated that he was the only one affected. Alderman Curtsinger asked if Mr. Wells had a contract on this property. Mr. Wells stated that he did have a contract on this property.

Vice-Mayor Dugger stated that it was at Board level and it should remain at Board level. He noted that the Town has been lucky in regard to this issue and did not feel it would hurt to add facade criteria to the OI. He further noted that this is only first reading.

Alderman Thomas stated that he did not feel this would deter anyone from building in the OI. He noted it would be a minimal cost and this is something the people would want this Board to do. Alderman Thomas stated that he feels this would make it look good.

Alderman Curtsinger stated that he thinks the Board needs to see what is going in there. He noted that a sawmill could be built and it is set in the OI for that reason. He said that maybe the Board should look at something different versus something that will change one lot.

Vice-Mayor Dugger stated that dance studios are allowed and he didn't think it will prevent anyone from building in OI. Alderman Curtsinger inquired about the cost. Vice-Mayor Dugger noted that everything is going to cost. Alderman Curtsinger asked what the CCO extension would do versus this. He asked would it not give the same affect and control on the main corridors.

Alderman Thomas stated that if he remembered correctly the OI is being used for so many purposes there is more public use and there is a lot more traffic. He stated that he felt that this is the responsible thing to do and it is not being taken to the extreme.

Alderman Alexander stated that he did not feel it would be an increase in cost and feels that the Board should move forward with the vote.

Vice-Mayor Dugger then stated all in favor and the vote was taken and passed by majority with Vice-Mayor Dugger, Aldermen Alexander and Thomas for, and Alderman Curtsinger against.

The meeting adjourned at 8:25 p.m. by acclamation.

Respectfully submitted,

Approved,

Cindy Lancaster  
Town Recorder

Beth Lothers  
Mayor